

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DAMIAN ORLOWSKI, et al.,

**Plaintiffs on behalf of themselves
and all other similarly situated,**

v.

**No. 2:11-cv-01396-JPM-cmc
JURY DEMANDED**

LARRY BATES, et al.

Defendants.

**ORDER GRANTING JOINT EMERGENCY *EX PARTE* MOTION OF RECEIVER AND
PLAINTIFFS FOR PREJUDGMENT ATTACHMENT**

This matter came before the Court on the Motion of John L. Ryder, as the Receiver for First American Monetary Consultants, Inc. and FAMC PM, LLC (together “FAMC”) and the Plaintiffs, pursuant to Federal Rule of Civil Procedure 64 and Tenn. Code Ann. § 29-6-101 *et seq.* for entry of an *ex parte* order of pre-judgment attachment and lien in favor of the Receivership Entities and Plaintiffs, against the Individual Defendants permitting the Receiver and/or Plaintiffs to seize any and all monies, safes, personal property, vehicles, tools, equipment, and other tangible assets located on any property owned or controlled by these Individual Defendants.

The Court finds that the relief requested in the Motion is necessary and appropriate to accomplish the purposes set forth in the Court’s Temporary Restraining Order (D.E. 120), Order Appointing Receiver (D.E. 123), Preliminary Injunction (D.E. 243) and to fulfill equitable principles. The Court also finds the Defendants’ most likely source of repayment of the obligations owed to the Receivership Estate and Plaintiffs is through the disposal of real and

personal property and the seizure of any precious metals and monies. Without a writ of attachment, the Receivership and Plaintiffs will lose any probability of recovery and assets should be held for the benefit of the Receivership Estate and Plaintiffs. The Court further finds that the Receiver and the Plaintiffs have a right to attach the property of the Defendants in the amount of \$18,595,578.00.

The Court, having fully considered the Motion and the entire record of this cause GRANTS the Motion for Prejudgment Attachment and issues a Writ of Attachment.

The Receiver and/or Plaintiffs, and those performing services on his behalf, together with the U.S. Marshal Service, are authorized to seize any and all safes, personal property, vehicles, cargo trailers and other assets and tangible things located on any property owned or controlled by the Individual Defendants, including but not limited to the property and improvements located at Windwood Farm Loop, Middleton, Tennessee. The Receiver and/or Plaintiffs may employ the services of a locksmith, security firm, or other professional service as necessary to enter and secure such assets.

As assets are identified and secured by the Marshall Service, the Receiver and/or Plaintiffs, they shall be held under the supervision and control of the Receiver, pursuant to his Court ordered authority over the assets of or traceable to FAMC or members of the Plaintiffs' class, pending further orders of this Court.

The Receiver and Plaintiffs are not required to post a surety bond.

It is so ORDERED this the 6th day of August, 2015.

/s/ Jon P. McCalla

JON P. McCALLA
U.S. DISTRICT COURT JUDGE